

REMARKS

This application pertains to a novel process for preparing a polyacrylate having an at least bimodal molecular weight distribution, and to a polyacrylate obtained by such process.

Claims 1-13 are pending.

Claim 5 stands objected to because it recites a molar ratio of monomer to initiator whereas the specification recites a molar ratio of initiator to monomer. This has now been corrected and the objection should be withdrawn.

Claims 1-13 stand rejected under 35 U.S.C. 112, second paragraph, for various reasons indicated more specifically in the office action. Each of the issues presented by this rejection have been carefully considered, and appropriate amendments made to overcome them.

With respect to the expression "TEMPO" in claim 7, it is respectfully pointed out that this expression is generally accepted in the art as an abbreviation for 2,2,6,6-tetramethylpiperidine N-oxy (see, for example, paragraph [0010] of US 2007/0208204). Applicants' specification has now been amended to insert the chemical name of this compound immediately after the abbreviation. In view of the familiarity of those skilled in the art with this term,

and the insertion of the chemical name into the specification, this term should no longer be seen as indefinite.

The rejection of claims 1-13 under 35 U.S.C. 112, second paragraph should accordingly now be withdrawn.

Claims 1-11 stand rejected under 35 U.S.C. 102(b) as anticipated by Baus et al. (US 4,501,845).

US 4,501,845 deals with emulsion polymerization and the products thereof. Such polymerizations are executed in an emulsion of organic solvents in water; the emulsion being realized by adding emulsifiers to the water-solvent-system. The polymerization itself takes place in little drops of solvent that are present in the water matrix.

Applicants, by contrast, deal with a free radical polymerization that takes part in solution, i.e. in an organic solvent (a one-phase system, referred to the physical phases; not to be mixed up with the at least two chronological phases as described in claim 1). In other words, the monomers are simply dissolved in "a pot of" solvent wherein the reaction takes place. Such a system is not disclosed in the Baus reference.

Applicants' claims have now been amended to more clearly stress this

point.

As Baus does not disclose any solvent polymerizations, it cannot fairly be seen as anticipating or suggesting Applicants claims. Due to the different polymerization procedures even the products are different, as the emulsion polymers implicitly contain emulsifiers or remainders of the emulsifiers that can be detected.

Further, with respect to obviousness, there is no information that can be drawn from a technical teaching dealing emulsion polymerizations that can be transferred to a free radical solvent polymerizations. The processes are different, and the parameters and facts are simply not comparable.

Still further, the present application concerns an adhesive that can further be processed from the melt (see page 7, lines 30 to 34; page 8, line 3). Such a property is not mentioned in the Baus reference. Adhesives made by emulsion polymerization are normally not useful as hotmelts as they are not moisture-resistant, due to the emulsifier. The adhesives disclosed in Baus reference are not usable to solve the problem addressed by the present application, i.e. to offer hotmelt-processable adhesives.

Accordingly, Applicants' claims cannot be seen as taught or suggested by the Baus reference, and the rejection of claims 1-11 under 35 U.S.C. 102(b) as

anticipated by Baus et al. (US 4,501,845) should now be withdrawn.

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as obvious over Baus et al. (US 4,501,845) in view of Williams et al. (U.S. 4,810,523). The differences between the invention defined by Applicants' claims and anything that can be derived from the Baus reference are discussed above. The Examiner relies on Williams et al. for a teaching of the use of a polyacrylate as a pressure-sensitive and the application of that pressure-sensitive adhesive to both sides of a carrier. The use of Baus's polyacrylate as a pressure-sensitive adhesive and its application to both sides of a backing will not in any way overcome any of the differences pointed out above, however. The rejection of claims 12 and 13 under 35 U.S.C. 103(a) as obvious over Baus et al. (US 4,501,845) in view of Williams et al. (U.S. 4,810,523) should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
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